

COMPARISON - New Jersey Family Leave Act, SAFE Act, Family Leave Insurance

New Jersey has enacted a bill ([AB 3975](#)) that brings substantial changes and increased coverage to the state's existing Family Leave Act (NJ FLA), the Security and Financial Empowerment Act (SAFE Act), and the paid family leave insurance program (NJ FLI). Signed by Governor Murphy on February 19, 2019, some of the changes were effective immediately and others phase in later in 2019 and 2020.

Matrix is ready! Matrix is up to date and is managing leaves and benefits under the New Jersey Family Leave Act, SAFE Act, and Family Leave Insurance program in accordance with the new changes. If we are administering state leaves of absence and/or the NJ paid family leave for your company the transition will be seamless and your employees will receive the leaves they are entitled to. For those employers using the NJ state paid leave program, our initial information packets to employees will continue to instruct them to file for FLI with the state.

This chart provides a comparison of the basic provisions of each law. Changes are shown in red, bold italics and are effective immediately unless otherwise noted. Stricken text indicates provisions now omitted from the relevant act.

	Family Leave Act		SAFE Act		Family Leave Insurance	
Employee Eligibility	<ul style="list-style-type: none"> 12 months of service 1000 hours worked in 12 months prior to first day of leave 		<ul style="list-style-type: none"> 12 months of service 1000 hours worked in 12 months prior to first day of leave 		2019 – In the 12 months prior to a claim: <ul style="list-style-type: none"> Worked at least 20 weeks earning \$172 or more per week, OR Earned at least \$8,600 	
Covered Employers	<ul style="list-style-type: none"> Through June 30, 2019: 50 or more employees On or after July 1, 2019: 30 or more employees¹ 		25 or more employees		All employers	
Total Leave Entitlement	12 workweeks in a 24-month period		20 days in a 12-month period		<ul style="list-style-type: none"> For leaves commencing before July 1, 2020: 6 weeks (or 42 full days if taken intermittently) per leave event or in a 12-month period For leaves commencing on or after July 1, 2020: 12 weeks (or 56 full days if taken intermittently) per leave event or in a 12-month period 	
Leave Reasons	Reason	Covered Relationships	Reason	Covered Relationships	Reason	Covered Relationships
	Bonding with new child within a year after the date of birth or placement for adoption or foster care	Child: <ul style="list-style-type: none"> Biological Adopted Foster Child born to the employee pursuant to a gestational carrier agreement 	Leave for the following reasons relating to being a victim of domestic or sexual violence: <ul style="list-style-type: none"> Medical attention Physical or psychological injuries Victim services Counseling Actions related to safety or economic security Legal assistance and court proceedings 	<ul style="list-style-type: none"> Self Child (no age limit, no definitional limit) Parent Spouse Domestic partner Civil union partner Parent-in-law Sibling Grandparent Grandchild Any other individual related to the employee by blood Any other individual with a close association with the employee equivalent to a family relationship 	Bonding with new child	Child of the employee or the employee's civil union or domestic partner: <ul style="list-style-type: none"> Biological Adopted Foster Child born to the employee pursuant to a gestational carrier agreement

¹ The bill has conflicting dates for when the new lower 30-employee threshold kicks in: June 30 or July 1, 2019. The July 1 date is more logical and consistent with the end of the 50-employee threshold on June 30. To be safe, employers with 30-49 employees should consider providing NJ FLA leaves of absence starting June 30.

Leave Reasons	Family Leave Act		SAFE Act	Family Leave Insurance	
	Reason	Covered Relationships		Reason	Covered Relationships
	Care for a family member with a serious health condition	<ul style="list-style-type: none"> • Child under-18 or age 18 or older incapable of self-care because of a mental or physical impairment [Age limitation eliminated]: <ul style="list-style-type: none"> ○ Biological ○ Adopted ○ Resource family child ○ Step ○ Legal ward ○ Foster ○ Child born to the employee pursuant to a gestational carrier agreement • Parent: <ul style="list-style-type: none"> ○ Biological ○ Adoptive ○ Resource family parent ○ Step ○ Parent-in-law ○ Legal guardian ○ Others with parent-child relationship ○ One with sole or joint legal or physical custody, care, guardianship, or visitation with a child ○ Foster parent ○ One who became a parent to a child pursuant to a gestational carrier agreement • Spouse • Civil union partner • Sibling • Grandparent • Grandchild • Domestic partner • Any other individual related to the employee by blood • Any other individual with a close association with the employee equivalent to a family relationship 	NA	Care for a family member with a serious health condition	<ul style="list-style-type: none"> • Spouse • Domestic partner • Civil union partner • Parent <ul style="list-style-type: none"> ○ Biological ○ Adoptive ○ Foster ○ Step ○ Legal guardian ○ One who became a parent to a child pursuant to a gestational carrier agreement • Child under-19 or age 19 or older incapable of self-care because of a mental or physical impairment [Age limitation eliminated]: <ul style="list-style-type: none"> ○ Biological ○ Adopted ○ Foster ○ Step ○ Legal ward ○ Child of employee's domestic or civil union partner ○ Child born to the employee pursuant to a gestational carrier agreement • Sibling • Grandparent • Grandchild • Domestic partner • Any other individual related to the employee by blood • Any other individual with a close association with the employee equivalent to a family relationship
				<ul style="list-style-type: none"> • Employee or family member is a victim of domestic or sexual violence • Same leave reasons as covered by the SAFE Act 	<ul style="list-style-type: none"> • Same covered relationships as under the SAFE Act

	Family Leave Act	SAFE Act	Family Leave Insurance
Leave Year Calculation Methods	<ul style="list-style-type: none"> 2 consecutive calendar years Any 2 consecutive fixed leave years 24-month period measured forward from date of first leave usage 24-month period rolling back from date of each leave usage 	12 months measured forward from instance of domestic violence or a sexually violent offense	12 months measured forward from the first day of leave
Leave Increments	<ul style="list-style-type: none"> Continuous Intermittent Reduced schedule (not permitted for a period exceeding 24 consecutive weeks 12 consecutive months) <p><i>Intermittent leave for bonding permitted only with agreement of employer and employee [Intermittent leave for bonding now permitted at employee's option]</i></p>	Increments of no less than 1 full work day	<ul style="list-style-type: none"> Continuous Intermittent, including reduced schedule, in increments of at least one day <ul style="list-style-type: none"> Time within which intermittent leave is taken cannot exceed 12 months Intermittent leave for bonding permitted only with agreement of employer and employee must be completed within 12 months of birth or placement <i>[Intermittent leave for bonding now permitted at employee's option]</i>
Employee Documentation	<ul style="list-style-type: none"> Care for family member: Certification of serious health condition from a healthcare provider Birth or adoption or foster care: Certification of the date of birth or placement 	Employer may require documentation related to the reason for the leave from a court, prosecutor, medical provider, counselor, clergy, or other certified individual who assisted the employee or family member	Forms as required by the state or private plan
Employee Notice To Employer	<ul style="list-style-type: none"> Foreseeable leave: 30 days' advance notice Unforeseeable leave: as soon as possible under emergent circumstances 	Written notice as far in advance as reasonable and practicable under the circumstances unless emergency or unforeseen circumstances preclude prior notice	<ul style="list-style-type: none"> Continuous leave to care for a family member: advance notice in a reasonable and practical manner Intermittent leave to care for a family member: 15 days' advance notice of each leave segment (unless unforeseeable) Leave to bond with a new child: <ul style="list-style-type: none"> Continuous leave: 30 days' advance notice (unless unforeseeable) Intermittent leave: 15 days' notice before leave is to start, including, if possible, a regular schedule of the days the employee will take intermittent leave Leave also covered by SAFE Act: Written notice as far in advance as reasonable and practicable under the circumstances unless emergency or unforeseen circumstances preclude prior notice
Employee Rights	<ul style="list-style-type: none"> Continuation of group health benefits Restoration to same or substantially equivalent position 	Protection of any employment benefit accrued prior to commencement of leave	Employer may not discharge, harass, threaten or otherwise discriminate or retaliate against an employee because the employee requested or took any temporary disability or family leave benefits, including retaliation by refusing to restore the employee following a period of leave
Paid/Unpaid	<ul style="list-style-type: none"> Unpaid Employer may require use of accrued paid leave in accordance with established policy for other leaves If no employer policy, employee may elect whether to use accrued paid leave 	<ul style="list-style-type: none"> Unpaid Employee may elect or employer may require employee to use any accrued paid time off or any NJ FLI leave benefits during any part of the 20-day period 	<ul style="list-style-type: none"> For leaves commencing before July 1, 2020: 6 weeks (or 42 full days if taken intermittently) per leave event or in a 12-month period For leaves commencing on or after July 1, 2020: 12 weeks (or 56 full days if taken intermittently) per leave event or in a 12-month period 1-week waiting period unpaid If absence lasts 3 weeks or more beyond the first 7 days, waiting period will then be paid [Waiting period eliminated effective for leaves commencing on or after July 1, 2019]